

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

~~Geraldine~~ Downes, R.N.

Registered Nurse License No. R32924

Brewster Station

P. O. Box 8194

Bridgeport CT 06605

CASE PETITION NO. 920302-10-011

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated February 25, 1994. (Department Exhibit 1-A) The Statement of Charges alleged, in three (3) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Geraldine Downes (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated March 10, 1994 scheduling a hearing for May 12, 1994. (Department Exhibit 1-A) The hearing took place on May 12, 1994 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut; on November 30, 1994 in Room 2B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut; and on January 11, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

During the hearing the Department verbally amended the First Count of the Statement of Charges by changing all occurrences of "1989" to "1990". (Hearing Transcript, May 12, 1994, pp. 5-7)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluation the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following Findings of Fact:

1. Geraldine Downes, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R32924 on February 26, 1980 and has been the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-B, 1-G)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1-C)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1-A indicates that the Notice of Hearing and Statement of Charges were delivered to the Respondent's address of record by certified mail.
4. The Respondent was present on all hearing dates but was not represented by counsel. (Hearing Transcript, May 12, 1994, p. 2) (Hearing Transcript, November 30, 1994, p. 2) (Hearing Transcript, January 11, 1995, p. 2)
5. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, May 12, 1994, pp. 41-45)

6. That on or about 1990 the Respondent advertised, by way of a pamphlet, that she was a practicing clinical ecologist. In the pamphlet the Respondent identifies herself as a registered nurse and makes reference to her nursing education and her licensure as a registered nurse. (Department Exhibit D)
7. That on or about August 1990, Ann Geisler, Danbury, Connecticut sought the services of the Respondent. At the time Ms. Geisler was experiencing various symptoms of an unknown origin. (Department Exhibit 1-F) (Hearing Transcript, May 12, 1995, p. 12) (Hearing Transcript, January 11, 1995, pp. 3-4, 9)
8. That on or about August 15, 1990 the Respondent visited Ms. Geisler's business in Bethel, Connecticut to determine whether environmental sources were the cause of Ms. Geisler's symptoms. (Department Exhibit 1-F) (Hearing Transcript, May 12, 1994, pp. 15-16)
9. That during the visit to Ms. Geisler's business on August 15, 1990 the Respondent presented her advertising pamphlet to Ms. Geisler. (Hearing Transcript, May 12, 1994, pp. 17-18)
10. That during the visit on August 15, 1990 the Respondent took Ms. Geisler's pulse at various times while walking in and around Ms. Geisler's business. (Department Exhibit 1-F) (Hearing Transcript, May 12, 1994, pp. 18-19)
11. That during the visit to Ms. Geisler's business on August 15, 1990 the Respondent did not utilize any specialized equipment for testing suspected environmental causes of Ms. Geisler's symptoms. (Hearing Transcript, May 12, 1994, p. 20) (Hearing Transcript, November 30, 1994, p. 9)
12. That the Respondent concluded that Ms. Geisler's symptoms were of an environmental origin, specifically, a gas emanating from water in the bathroom of Ms. Geisler's business. (Hearing Transcript, January 11, 1995, pp. 43-44)

13. That the practice of nursing includes the implementation of the nursing process. The nursing process is a four step process of treating and caring for an illness which includes the elements of assessment, planning, intervention and evaluation. (Hearing Transcript, May 12, 1994, pp. 55-56)
14. That the Respondent made notes of her visit to Ms. Geisler's business on August 15, 1990. (Department Exhibit 1-E)
15. That the Respondent's notes do not contain sufficient information of Ms. Geisler's symptoms, do not contain Ms. Geisler's medical history, do not contain sufficient data to assess a cause of the symptoms, and do not define a clear plan of intervention. (Department Exhibit 1-E) (Hearing Transcript, May 12, 1994, pp. 57-63)
16. That during testimony the Respondent was unable to define the nursing process. (Hearing Transcript, January 11, 1995, pp. 46-48)

#### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

Geraldine Downes held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT of the Statement of Charges, as amended, alleges that on or about August 15, 1990 the Respondent exceeded the scope of practice of a registered nurse as set forth in §20-87a of the General Statutes of Connecticut, in that she diagnosed the etiology of an illness, specifically, that Ann Geisler's illness was caused by the environment.

The Board concludes that the Respondent's conduct of diagnosing that Ann Geisler's symptoms were caused by the environment, does not exceed the scope of practice of a registered nurse as defined in §20-87a of the General Statutes of Connecticut. Therefore, the First Count of the Statement of Charges is dismissed.

The SECOND COUNT of the Statement of Charges alleges that the Respondent's conduct of diagnosing that Ms. Geisler's symptoms were caused by the environment in her place of business, constitutes fraud and material deception in the course of professional services or activities.

The Board concludes the Department did not present any evidence to prove this charge, therefore. The Second Count of the Statement of Charges is dismissed.

The THIRD COUNT of the Statement of Charges alleges that the Respondent in diagnosing the cause of Ms. Geisler's illness, was negligent or incompetent in carrying out usual nursing functions.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.... "

The Board found the Respondent advertised that she was a practicing clinical ecologist and that said advertising makes reference to the Respondent's training and licensure as a registered nurse. The Board concludes a reasonable person could infer the Respondent was relying on her training and knowledge as a registered nurse in performing the services of a clinical ecologist. The Board concludes that by including reference to herself as a registered nurse in the pamphlet, she was advertising as a registered nurse and therefore she is held to the accepted standards of the nursing profession in the services she provides.

Based on its findings, the Board concludes that in the process of diagnosing the cause of Ms. Geisler's symptoms, the Respondent failed to do a proper or adequate assessment of Ms. Geisler's symptoms to formulate her conclusions. The Board further concludes, based on its findings and the Respondent's testimony, that the Respondent demonstrates a clear lack of knowledge of the nursing process.

The Board concludes that the conduct specified in the Third Count is proven and that said conduct is negligent and incompetent and violates the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

### ORDER

Pursuant to its authority under Section 19a-17 and Section 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the Third Count, the Respondent's registered nurse license, No. R32924 is placed on **probation** for a period of one (1) year.
2. That for the Third Count, the Respondent is assessed a **civil penalty** in the amount of two hundred fifty dollars (\$250.00).
3. That the \$250.00 civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

4. If any of the following conditions or probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers, if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s), within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- B. During the one (1) year period of probation the Respondent must successfully complete a course of study in the nursing process. Said course must be approved by the Board prior to its commencement.
- C. Certification of the Respondent's successfully completion of the course of study cited in B above shall be submitted to the Board, directly from the educational institution where said course was taken, within thirty (30) days of the course completion.
- D. The Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- E. The Board of Examiners for Nursing must be informed in writing prior to any change of address.
- O. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

- 3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation and will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and §19a-17(c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)

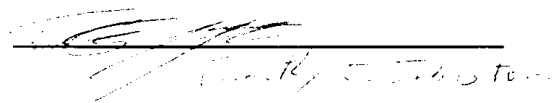
6. The probation of the Respondent's registered nurse license shall commence on June 1, 1995.
7. The probation of the Respondent's registered nurse license may be terminated prior to one (1) year provided that the \$250.00 civil penalty has been paid and that the Respondent has successfully completed the course of study cited in paragraph 4B.
5. This Memorandum of Decision becomes effective on the date it is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Geraldine Downes, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 17th day of May, 1995.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in dark ink, appearing to read "Cheryl S. Johnston", is written over a horizontal line.

0841Q





# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

May 31, 1996

Geraldine Downes  
1 Hedgehog Circle  
Trumbull CT 06611

RE: Connecticut Registered License No. R37924

Dear Ms. Downes:

You have fulfilled the terms of the probation of your license. The probationary status of your registered nurse license have been or will be removed effective June 1, 1996.

Renewal of your registered nurse license is required, by law, annually during the month of your birth following the date of this letter. If the license is not renewed within ninety (90) days of the due date, it will become automatically void. This means that future reinstatement will require re-application. This is a process of having your credentials re-evaluated.

State law requires you to notify this office within thirty (30) days of ANY change of address whether in or out of this state. Should you have any questions concerning this process contact this Department at 860-509-7588.

Sincerely,

A handwritten signature in cursive script, reading "Marie T. Hilliard".

Marie T. Hilliard, Ph.D., R.N.  
Executive Officer  
Board of Examiners for Nursing

MTH:jew

cc: Richard J. Lynch, Assistant Attorney General  
Donna Buntaine Brewer, Chief, Legal Office  
✓ Debra Tomassone, Chief, Licensure & Registration  
Debra Johnson, Health Program Associate, Applications, Examination and Licensure



Phone:

Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12 NUR  
P.O. Box 340308 Hartford, CT 06134  
An Equal Opportunity Employer